

REMARKS

Substitute Specification

The examiner's attention is invited to the fact that a substitute specification was submitted in this application providing appropriate headings in the written description according to the subject matter thereof. The substitute specification was submitted with the original application documents and it is assumed that the substitute specification has been entered by the examiner.

Presently proposed amendments to the specification are intended to be made to the **SUBSTITUTE SPECIFICATION**.

Claim Amendments

New claims 25-35 are substituted for original claims 1-24. The new claims recite the inventive subject matter in clear, definite terms, support for which is found in the drawings of the application and in particular on pages 5 and 6 of the written description.

Amendments to Specification

The specification has been amended to improve the description of the invention as depicted in figures 2a and 2b in a manner consistent with the original disclosure but expressed in better English form. No new matter has been introduced in the amendments to the specification.

Claim Rejections – 35 USC §112

Claims 13-24 have been cancelled and the rejections of said claims is now moot. New claims 25-35 have been introduced in substitution for claims 13-24. The new claims avoid the various objections raised by the examiner under 35 USC §112.

Claim Rejections – 35 USC §102

In view of cancellation of claims 13-24, rejection of said claims under 35 USC §102 is now moot. New claims 25-35 present the subject matter of the invention for which protection is sought in definite, clear terms, and it will be evident that they recite a combination of structural elements not disclosed, taught or suggested by EP 1294263 or Arkscy U.S. 6,099,878.

Reference numerals have been re-introduced into the claims to make them more understandable when the claims are read in the light of the disclosure and the drawings, in particular figures 2a and 2b.

Claim 25, in summary, describes an automatic dispensing device for dispensing steam

through one or two ducts (13, 15) with air excluded from the dispenser, or alternatively, dispensing steam through one of the ducts (13) and permitting air to be drawn in through the other duct (15).

Thus, steam supplied through a source 27 may be placed in communication with steam duct 13 while air from air supply (i.e., the environment) 35 is placed in communication with duct 15 via valve 16 when a drink is to receive both steam and air to froth the drink (see figure 2a).

In a second mode of operation (see figure 2a) valve 16 blocks air from entering duct 15 while valve 16 enables steam to be supplied from duct 29 through duct 13 and through duct 15 via duct 31.

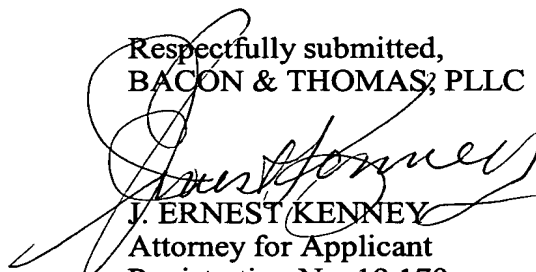
In accordance with the embodiment of figure 2b, valve 14 enables steam to be supplied to steam duct 13 from supply pipe 29 while valve 16 permits air from duct 33 to be supplied to duct 15 under the influence of the discharge of steam from the outlet end of the steam duct 13 in a first mode of operation. In a second mode of operation, valve 14 continues to provide steam from steam supply pipe 29 to steam duct 13 while valve 16 is placed in a second position to enable steam alone to be supplied to duct 15 from steam supply duct 37.

The new claims 25-35 are introduced to describe the structural arrangement enabling the functions described above.

It is respectfully submitted that none of the prior art shows the recited arrangement of valves and ducts in the environment of a steam automatic dispensing device for preparing either or both hot and frothed drinks.

It is respectfully submitted that the application is in condition for allowance and its passage to issue is respectfully requested.

Respectfully submitted,
BACON & THOMAS, PLLC



J. ERNEST KENNEY
Attorney for Applicant
Registration No. 19,179

Customer 23364
BACON & THOMAS, PLLC
625 Slaters Lane - 4th Floor
Alexandria, VA 22314-1176
Telephone: (703) 683-0500
Facsimile: (703) 683-1080

Date: August 11, 2008